

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0244

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB38** - 2/16/99

Introduced by: The Committee on Appropriations at the request of the Department of  
Environment and Natural Resources

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the transfer of funds  
2 from the regulated substance response fund and to make an appropriation to the fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34A-12-3.2 be repealed.

5 ~~— 34A-12-3.2. On July first of each year, the state treasurer shall transfer all amounts in excess~~  
6 ~~of one million seven hundred fifty thousand dollars from the regulated substance response fund~~  
7 ~~established pursuant to § 34A-12-3, to the environment and natural resources fee fund~~  
8 ~~established pursuant to § 1-40-30 to be expended in the manner and for the purposes of that~~  
9 ~~fund.~~

10 Section 2. There is hereby appropriated from the environment and natural resources fee fund  
11 established pursuant to § 1-40-30, the sum of five hundred sixty-seven thousand seventy-two  
12 dollars (\$567,072), to the regulated substance response fund created pursuant to § 34A-12-3,  
13 to be expended for the purposes provided for in chapter 34A-12.

14 Section 3. That § 34A-12-4 be amended to read as follows:

15 34A-12-4. When necessary in the performance of ~~his~~ the secretary's duties under  
16 §§ 23A-27-25, 34A-1-39, 34A-2-75, 34A-6-1.4, 34A-6-1.31, 34A-11-9, 34A-11-10,

34A-11-12, 34A-11-14, 34A-12-1 to 34A-12-15, inclusive, 38-20A-9, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68 and Title 34A relative to discharges, the secretary may expend funds from the response fund to provide for the costs of investigations, emergency remedial efforts, corrective actions, and managerial or administrative activities associated with such activities. The secretary's use of the response fund shall be based upon the following:

- (1) In the case of an investigation, when the secretary determines that a discharge ~~has~~ probably requiring an emergency remedial effort may have occurred and that the general operating budget of the department for such purposes is not adequate to cover the costs of the necessary investigatory activities;
- (2) In the case of an emergency remedial effort, when the secretary determines that a discharge has occurred and that corrective actions shall be immediately undertaken to protect an imminent threat to the public health or safety or to contain a discharge which, if not immediately contained, shall in time pose a significantly greater threat to public health or safety or to the environment of this state than if such action is not immediately taken;
- (3) In the case of a discharge not of an emergency nature when the secretary determines that a discharge has occurred, that a responsible party or liability fund capable of performing the corrective actions either cannot be identified or refuses to undertake corrective actions, and that corrective actions shall be undertaken to protect the public health, safety, welfare, or environment of the state.

1    **BILL HISTORY**

2    1/12/99 First read in Senate and referred to Appropriations. S.J. 22

3    1/22/99 Scheduled for Committee hearing on this date.

4    1/26/99 Scheduled for Committee hearing on this date.

5    2/12/99 Scheduled for Committee hearing on this date.

6    2/12/99 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. S.J. 468